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No. 91-678

In the Supreme Court of the United States

OCTOBER TERM, 1991

HERMAN GREY, ET AL., PETITIONERS

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

BRIEF FOR THE UNITED STATES IN OPPOSITION

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QUESTION PRESENTED

Whether petitioners are entitled by the Salt River Pima-Maricopa Indian Community Water Rights Settlement Act, Pub. L. No. 100-512, 102 Stat. 2549 (1988), to recover money damages from the United States for the alleged deprivation of water rights, notwithstanding petitioners' failure to demonstrate that either the Settlement Act or any other source of law created substantive rights enforceable in money damages under *United States* v. *Mitchell*, 463 U.S. 206 (1983).

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OPINIONS BELOW

The opinion of the court of appeals (Pet. App. 1a-2a) is unreported, but the decision is noted at 935 F.2d 281 (Table). The opinion of the Claims Court in *Grey* v. *United States* (Pet. App. 3a-32a) is reported at 21 Cl. Ct. 285. The judgment order of the Claims Court in *Abel* v. *United States* (App., *infra*, 1a) is unreported.

JURISDICTION

The judgment of the court of appeals (Pet. App. 35a-36a) was entered on May 24, 1991. A petition for rehearing was denied on July 26, 1991. Pet. App.

33a-34a. The petition for a writ of certiorari was filed on October 24, 1991. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

Petitioners own interests in allotted lands on the Salt River Pima-Maricopa Indian Reservation near Phoenix, Arizona. They brought these two consolidated actions to recover money damages from the United States. Petitioners sought recovery on the theory that various statutes and regulations imposed a trust responsibility on the federal government to deliver water to petitioners' lands from the Salt River Federal Reclamation Project (SRP or Project). The Claims Court held that the statutes and regulations upon which petitioners relied did not create fiduciary duties of the sort that would provide a cause of action for money damages under *United States* v. *Mitchell*, 463 U.S. 206 (1983). Pet. App. 3a-32a. The court of appeals affirmed. *Id.* at 1a-2a.

1. The Salt River Pima-Maricopa Indian Reservation was established by Executive Order on June 14, 1879. The Reservation encompasses approximately 51,000 acres, which are located south and west of the confluence of the Salt and Verde Rivers and which are now adjacent to the Phoenix metropolitan area. Water from the Salt and Verde Rivers is stored by the SRP. Pet. App. 7a.

The SRP had its conception in the Reclamation Act of 1902, Act of June 17, 1902, ch. 1093, 32 Stat. 388 (codified as amended at 43 U.S.C. 391 *et seq.*), which authorized the Secretary of the Interior to withdraw public lands in arid areas of the country for construction of irrigation projects. The Salt River Valley Water Users' Association (Association) was

formed in 1903 to control the development of the SRP. Pet. App. 7a. In 1904, the Secretary entered into an agreement with the Association to provide for repayment of the costs of the Project. *Ibid.*; see also Act of June 17, 1902, ch. 1093, § 4, 32 Stat. 389. Under the agreement, distribution of water from the SRP was to be limited to members of the Association; the Secretary, however, retained authority to designate the lands to be served by the SRP. Pet. App. 7a.

In 1905, a lawsuit was filed in Arizona territorial court to clarify water rights in the Salt River Valley. Pet. App. 7a-8a. The United States filed claims in the litigation on behalf of the Indians on the Reservation. In 1910, the Arizona court entered what became known as the "Kent Decree." *Id.* at 8a. The Kent Decree limited the water rights of the Salt River Pima-Maricopa Indian Community to the natural flows of water, with no entitlement to the use of stored water. *Ibid.*

The SRP first became operational in 1911. Pet. App. 8a. In 1917, the Secretary transferred responsibility for operation and maintenance of the SRP to the Association; the Secretary also issued the first public notice designating lands eligible for receipt of water from the SRP. *Id.* at 10a. From 1917 to 1928, as the storage capacity of the SRP was enhanced by additional facilities, the Secretary designated additional lands for receipt of SRP waters. *Id.* at 8a-9a.[1]

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[1] The Project's water-storage facilities currently consist of six dams, four on the Salt River and two on the Verde River. See Pet. App. 8a-9a. The original facilities of the SRP included the Roosevelt Dam and the Granite Reef Diversion Dam and Diversion Canals. *Id.* at 8a. From 1917 to 1935, the Association built the Horse Mesa Dam, the Mormon Flats Dam, and the Stewart Mountain Dam, all located below the

Lands within the Reservation first became eligible for stored water from the Project in 1935, when the Secretary and the Association concluded an agreement providing SRP water to 631 ten-acre allotments on the Reservation. *Id.* at 9a-10a; see also Act of May 18, 1916, ch. 125, § 2, 39 Stat. 130.

2. In recent years, the claims of the Salt River Pima-Maricopa Indian Community (Community) and its allottees to water from the SRP have been the subject of extensive litigation in state and federal courts. Pet. App. 13a; see H.R. Rep. No. 868, 100th Cong., 2d Sess. 11 (1988).[2] The claims of the Community were eventually resolved in a settlement agreement concluded in 1988 among the Community, the non-Indian communities in the Salt River Valley, and the United States. H.R. Rep. No. 868, *supra*, at 11. In the Salt River Pima-Maricopa Indian Community Water Rights Settlement Act, Pub. L. No. 100-512, 102 Stat. 2549 (1988), Congress ratified the agreement and provided the Secretary with the authority necessary for its implementation. In addition, in the provision at issue here, Congress "prescribe[d] a procedure for resolving" the claims of individual allottees, who were not parties to the settlement agreement. Settlement Act, § 2(a)(8), 102 Stat. 2550; see also Pet. App. 23a.

Roosevelt Dam on the Salt River. In 1935, the Secretary and the SRP built the Bartlett Dam on the Verde River, and in the mid-1940s, the SRP and Phelps Dodge Corporation built the Horseshoe Dam on the Verde River above the Bartlett Dam. *Id.* at 10a-11a.

[2] Allotments of land on the Reservation were made pursuant to the Indian General Allotment Act of 1887, ch. 119, 24 Stat. 388, codified as amended at 25 U.S.C. 331 *et seq.*

By incorporating the terms of the settlement agreement, the Settlement Act entitled the Community to 122,400 acre-feet of water per year from various sources, including the SRP. H.R. Rep. No. 868, *supra*, at 11. Local non-Indian interests provided part of the amount through a transfer of some of their preexisting water rights. *Id.* at 12; Settlement Act § 2(a)(9), 102 Stat. 2550. Additional water was ensured by funding authorized in the Act for rehabilitation of existing facilities and construction of new facilities. H.R. Rep. No. 868, *supra*, at 11-12; see also Settlement Act, §§ 4, 9, 102 Stat. 2551-2552, 2555-2556.

Section 10 of the Act addressed the disposition of water-rights claims by the Community and the allottees. Under Section 10(b)(1), the Community was "authorized, as part of the performance of its obligations under the [settlement] [a]greement, to execute a waiver and release" of all such claims "which the Community may have" against the United States and other parties. 102 Stat. 2257. Section 10(a), the provision at issue here, addressed the claims of the allottees. Section 10(a)(1)(A) extinguished "all Allottees' claims against the United States for * * * deprivation of water rights through December 31, 1991." 102 Stat. 2556. Section 10(a)(4) of the Act then provided in relevant part:

> Consent is given to Allottees to maintain actions, individually or as a class, against the United States in the United States Claims Court pursuant to section 1491 of title 28, United States Code, to recover damages, if any, for the extinguishment of claims effected by subpara-

graphs (a)(1)(A) and (a)(1)(B) of this section * * *.

102 Stat. 2556-2557.[3]

3. In 1984, five holders of interests in allotments on the Reservation had filed an action against the United States in the Claims Court, *Grey* v. *United States*. Pet. App. 37a-44a. They sought money damages, claiming that the Secretary had violated his duties under the Indian General Allotment Act of 1887 and various reclamation and irrigation laws and regulations by failing to deliver to their lands the full amount of water from the SRP to which they were entitled. *Id.* at 38a-41a. They relied on the Tucker Act, 28 U.S.C. 1491, as a basis for jurisdiction. Pet. App. 37a.

Shortly after passage of the Settlement Act in 1988, the Claims Court held a status conference to determine whether the *Grey* plaintiffs intended to amend their claims in light of the Act. The parties agreed that the Act had no effect on the nature of the claims before the court. C.A. App. Doc. 12, at 14. At the trial in March 1989, the parties presented evidence on two issues: "whether th[e] court ha[d] jurisdiction over plaintiffs' claims by virtue of a statute or regulation which can be fairly interpreted as mandating compensation by the federal government for failure to deliver surface water to allotted Indian lands. And if so, whether the failure to deliver water * * * to individual allottees constituted an actionable breach." Pet. App. 4a.

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[3] Subparagraph (a)(1)(B) of Section 10 extinguished "all Allottees' claims against all persons other than the United States." 102 Stat. 2556. No such claims have been asserted in the present case.

In April 1989, additional allottees on the Salt River Reservation filed a separate action against the United States, *Abel* v. *United States*, asserting claims essentially identical to those asserted by the *Grey* plaintiffs. Pet. App. 45a-67a.[4]

4. In August 1990, the Claims Court dismissed both actions.[5] Relying on *United States* v. *Mitchell*, 463 U.S. 206 (1983) (*Mitchell II*), the court held that petitioners' claims were not cognizable under the Tucker Act because none of the statutes or regulations on which petitioners relied was fairly interpreted as mandating compensation from the federal government. Pet. App. 14a-32a.

The court determined that the statutes and regulations cited by petitioners did not give the Secretary comprehensive and pervasive control over the provision of water to allotted lands sufficient to create a fiduciary relationship. Pet. App. 16a-22a. The court found that the "General Allotment Act does not impose any duty on the Government to manage the water on each individual allotment." *Id.* at 17a. Similarly, the court found that the irrigation laws and regulations cited by petitioners required the Secretary only

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[4] The *Grey* plaintiffs moved to have all allotted landowners of the Reservation certified as a class. The Claims Court denied that motion in 1985. After passage of the Settlement Act, the allottees renewed their motion for class certification, which was denied by the court. Subsequently, the Claims Court also denied the *Abel* plaintiffs' motion for class certification. See *Abel* v. *United States*, 18 Cl. Ct. 477 (1989).

[5] The court issued an opinion and judgment in *Grey* on August 9, 1990. Pet. App. 3a-32a. On August 10, 1990, the court issued a judgment order in *Abel* stating that the case was governed by the court's disposition in *Grey*. App., *infra*, 1a.

to deliver water from the SRP to designated points, and that thereafter the Tribe was responsible for the manner in which the water was distributed to individual allotments. *Id.* at 18a. The court also noted that the individual allottees had discretion "in determining when they wanted water and how much water would be used." *Id.* at 18a-19a. As a result, the court determined that "[t]he use of water on [petitioners'] lands was not subject to the extensive 'daily supervision' and control required by the [C]ourt in *Mitchell II*." *Id.* at 19a. The court then reviewed the "extensive evidence" on the government's management and control of the SRP under the Reclamation Act of 1902. Pet. App. 21a. "None of the evidence," the court found, "contemplated that the Interior Department would have complete control over water distribution." *Ibid.* The court also examined the text of the Reclamation Act and similarly concluded that "Congress did not intend to give the Secreatry [*sic*] total control of the water in the Salt River." *Id.* at 22a.

The court further determined that the Settlement Act did not create any "substantive right that would support [petitioners'] claims for failure to deliver water in the past." Pet. App. 24a. The court observed that "[n]o part of the * * * Act refers to any form of relationship between the United States and *individual allottees*." *Id.* at 23a. Instead, "[t]he Act defined the government's duty to the Indian *tribes* that constitute the * * * Community." *Ibid.* The court explained that the claims of allottees were addressed in the Act because "the non-Indian users of Salt River water resources feared subsequent litigation." *Ibid.* The Act accordingly "stated a procedure to resolve any remaining claims of individual allot-

tees and the Indian community" that were not resolved in the settlement agreement. *Ibid.* The court concluded that the Act "does not, however, create a substantive right for claims having no other jurisdictional basis." *Id.* at 27a.

Finally, the court concluded that its analysis of the applicable statutes was consistent with judicial doctrine regarding the water rights of tribal lands. Pet. App. 29a-32a. The court observed that the rights of Indian lands to appurtenant water that were recognized in *Winters* v. *United States*, 207 U.S. 564 (1908), "are communal in nature." Pet. App. 29a. The court explained that title to such water "resides in the tribe itself and is not held by individual Indians." *Id.* at 29a-30a (citing *United States* v. *Chase*, 245 U.S. 89, 99-100 (1917)). In the court's view, the statutes governing the Secretary's responsibilities for the provision of water to tribal lands here were consistent with the *Winters* doctrine, because those responsibilities ran to the Community but did not confer on individual allottees an enforceable right to specific amounts of water. Pet. App. 31a.

5. On consolidated appeal from the judgments in *Grey* and *Abel*, the court of appeals affirmed. Pet. App. 1a-2a. Finding that "[t]he Claims Court [had] meticulously considered every fact and issue raised" by petitioners, the court of appeals adopted the Claims Court's opinion. *Id.* at 2a.

ARGUMENT

Petitioners do not challenge the conclusion by both courts below that they failed to state a claim within the Claims Court's Tucker Act jurisdiction under the principles set forth in *United States* v. *Mitchell*, 463 U.S. 206 (1983). Instead, they contend (Pet. 5-7) that, as a "special jurisdictional act," the Settlement Act required the Claims Court to adjudicate their claims without regard to whether "some particular statute or other source of law mandate[d] compensation." Petitioners have it backwards. It is precisely because the Settlement Act only provided Congress's consent to the maintenance of actions for the extinguishment of water-rights claims, but did not create any substantive right to recover on those claims, that the Act, standing alone, was insufficient to support recovery in the present case.

The Claims Court correctly held that the Settlement Act did not create a cause of action for deprivation of water rights to allotted lands. Pet. App. 22a-29a. Instead, the Act extinguished water-rights claims arising under prior law and "prescribe[d] a procedure" for the allottees "to recover [the] damages, if any," caused by extinguishment of those claims. Settlement Act, §§ 2(a)(8), 10(a)(1), 10(a)(4), 102 Stat. 2550, 2556-2557. Specifically, Section 10(a)(4) of the Act provided Congress's "[c]onsent" to the maintenance of actions by allottees pursuant to the Tucker Act for the statutory extinguishment of preexisting water-rights claims. 102 Stat. 2556-2557. Thus, as the Claims Court stated, the Settlement Act merely "provide[d] a forum for resolution of valid pre-existing claims." Pet. App. 27a.

This Court's Tucker Act decisions make clear that the issue of whether Congress has consented to the maintenance of an action for damages against the United States is quite different from the issue of whether a substantive basis for the cause of action exists. *Mitchell II*, 463 U.S. at 218-219. The Tucker Act provides Congress's consent to actions for money damages "founded either upon the Constitution, or any Act of Congress or any regulation * * *, or upon any express or implied contract with the United States." 28 U.S.C. 1491(a)(1). But the Tucker Act "does not create any substantive right enforceable against the United States," 463 U.S. at 216; it "merely confers jurisdiction upon [the Claims Court] whenever the substantive right exists," *United States* v. *Testan*, 424 U.S. 392, 398 (1976). Accordingly, the plaintiff in a Tucker Act suit "must demonstrate that the source of substantive law he relies upon can fairly be interpreted as mandating compensation by the Federal Government for the damage sustained." *Mitchell II*, 463 U.S. at 216-217.

The same requirement applies in the present case. The Settlement Act provided Congress's consent to Tucker Act suits for the extinguishment of water-rights claims, but the Settlement Act did not provide a substantive basis for those claims. Therefore, the legislation did not relieve petitioners of the burden of establishing the validity of their claims under prior law. Like other Tucker Act plaintiffs, petitioners were required to "demonstrat[e] a substantive right enforceable against the United States for money damages." Pet. App. 2a. Having concluded that petitioners failed to "show[] an independent substantive right to money damages," *id.* at 27a—a conclusion

that petitioners do not challenge in this Court—the Claims Court properly dismissed petitioners' actions.[6]

Contrary to petitioners' contention (Pet. 7), this Court's decisions concerning "special jurisdictional acts" do not require a different result. A statute that serves only as a grant of jurisdiction, by its nature, "contains no language prejudging the validity of * * * claims on their merits." *United States* v. *Central Eureka Mining Co.*, 357 U.S. 155, 163 (1958). Thus, the fact that a plaintiff alleges a claim that falls within the terms of a grant of jurisdiction does not prevent the court from examining the substantive basis for that claim. The decisions of this Court on which petitioners rely confirm this principle. In the decisions cited by petitioners (Pet. 7), the availability of compensation from the government depended upon whether the plaintiffs had stated a valid claim within the relevant grant of jurisdiction. The analysis in each case focused on the substantive source of law that was invoked as a basis for recovery.

For example, in *Northwestern Bands of Shoshone Indians* v. *United States*, 324 U.S. 335 (1945), the jurisdictional Act under which recovery was sought

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[6] In the courts below, petitioners did not rely on Section 10 of the Settlement Act as a basis for jurisdiction; they relied instead on the Tucker Act. See Pet. App. 37a, 63a. For reasons discussed in the text, the jurisdictional analysis is the same under either statute. While the Settlement Act, in effect, converted preexisting claims for deprivation of water rights into claims for the statutory extinguishment of the preexisting claims, petitioners still had the burden under the Settlement Act of proving the validity of their claims under prior law. It is therefore not surprising that counsel for the petitioners in *Grey* told the Claims Court that he did not intend to amend the complaint in light of the Settlement Act, stating: "[O]ur case today is exactly what it was in 1984." C.A. App. Doc. 12, at 14.

conferred jurisdiction on the Court of Claims to "hear, adjudicate, and render judgment in any and all claims which the northwestern bands of Shoshone Indians may have against the United States arising under or growing out of [specified treaties]." Act of Feb. 28, 1929, ch. 377, 45 Stat. 1407. The plaintiffs sought compensation for lands that they had occupied under one of the treaties specified in the Act and that had subsequently been disposed of by the government. 324 U.S. at 337, 341-346. The fact that they had invoked one of the substantive bases for recovery identified in the grant of jurisdiction did not suffice to establish their right to compensation. The "decisive question," instead, was "whether it was intended by the [treaty relied upon] to recognize or acknowledge by implication the Indian title to the lands mentioned in that treaty." *Id.* at 340. The Court upheld the lower courts' denial of compensation, concluding that "[n]owhere in any of the series of treaties [with the Shoshone tribes] [wa]s there a specific acknowledgement of Indian title or right of occupancy." *Id.* at 348.

The claim for money damages in *United States* v. *Creek Nation*, 295 U.S. 103 (1935), was based on facts and on a grant of jurisdiction similar to those before the Court in *Northwestern Bands of Shoshone Indians.*[7] The Court upheld recovery in *Creek Nation*, however, because the treaty on which the plaintiffs in

[7] The jurisdictional statute in *Creek Nation* authorized the Court of Claims to "hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and the Creek Indian Nation or Tribe." 295 U.S. at 105, quoting Act of May 24, 1924, ch. 181, 43 Stat. 139.

that case relied gave them "a fee simple title," and not "the usual," more limited rights, such as those involved in *Northwestern Bands of Shoshone Indians. Creek Nation*, 295 U.S. at 109. The nature of the Creek Nation's rights under the treaty led the Court to conclude that "the lands were appropriated by the United States in circumstances which involved an implied undertaking by it to make just compensation." *Id.* at 111.[8]

Finally, the suit in *United States* v. *Mille Lac Band of Chippewa Indians*, 229 U.S. 498 (1913), was brought pursuant to a statute authorizing the Court of Claims "to hear and determine a suit or suits to be brought by and on behalf of the Mille Lac Band of Chippewa Indians * * * against the United States on account of losses sustained by them * * * by reason of the opening of the Mille Lac Reservation . . . to public settlement under the general land laws." *Id.* at 499, quoting Act of Feb. 15, 1909, ch. 126, 35 Stat. 619. This jurisdictional statute—by virtue of its specific reference to the plaintiffs' suit and its apparent acknowledgement of the "losses sustained" by the plaintiffs—provided a much stronger basis than does the Settlement Act for an argument that the grant of jurisdiction, standing alone, justified the recovery of damages. Nonetheless, the Court began its opinion by emphasizing that

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[8] The Court followed a similar analysis in upholding the recovery of compensation for the government's appropriation of land in *New York Indians* v. *United States*, 170 U.S. 1 (1898). As in *Creek Nation*, it did not suffice that plaintiffs in *New York Indians* alleged a claim within the terms of the special jurisdictional Act. See *New York Indians*, 170 U.S. at 2. Instead, the dispositive question concerned "the nature of the title acquired by the Indians under the treaty" specified in that Act. *Id.* at 15.

> [t]he jurisdictional act makes no admission of liability * * * on the part of the Government, but merely provides a forum for the adjudication of the claim according to applicable legal principles. Nor does it contemplate that recovery may be founded upon any merely moral obligation, not expressed in pertinent treaties or statutes, or upon any interpretation of either that fails to give effect to their plain import.

Id. at 500. The Court went on to examine the treaties and statutes governing the lands at issue. *Id.* at 500-509. It concluded that the plaintiffs were entitled to recover for the taking of a portion of the lands, because the United States had a fiduciary duty to dispose of those lands for the plaintiffs' benefit and had breached that duty. *Id.* at 509.

The Claims Court's analysis of petitioners' claims was consistent with the analysis in *Mille Lac Band* and the other decisions discussed above. The Claims Court determined that the Settlement Act merely "provide[d] a forum for resolution of valid pre-existing claims," Pet. App. 27a, and it accordingly inquired into whether petitioners had a valid claim for money damages under the other applicable statutes. Because those other statutes did not create fiduciary duties for which the government would be answerable for money damages under *Mitchell II*, the court correctly denied recovery. That holding—which turns on the particular statutes at issue here—presents no issue of general importance warranting review by this Court.[9]

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[9] The Claims Court determined that petitioners' failure to establish a right enforceable against the United States for money damages required it to dismiss petitioners' actions for

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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DECEMBER 1991

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lack of jurisdiction. See Pet. App. 14a. That disposition was proper. Although in other contexts a plaintiff's failure to establish a right to recover warrants a dismissal for failure to state a claim on which relief can be granted, rather than a dismissal for lack of jurisdiction, see *Bell* v. *Hood*, 327 U.S. 678 (1946), in a Tucker Act case jurisdiction exists only "when[] the substantive right exists." *United States* v. *Testan*, 424 U.S. at 398. Accord *Army & Air Force Exchange Serv.* v. *Sheehan*, 456 U.S. 728, 739 (1982) (upholding district court's dismissal of back-pay claim for lack of subject-matter jurisdiction; stating that "[a]s *Testan* makes clear, [Tucker Act] jurisdiction * * * cannot be premised on the asserted violation of regulations that do not specifically authorize awards of money damages"); see also *United States* v. *Clark*, 445 U.S. 23, 34 n.11 (1980) (because statute at issue clearly authorized recovery of money, "there is no question that the Court of Claims below had both jurisdiction to entertain [the plaintiffs'] claim and authority to grant recovery"). Having determined that petitioners had no substantive right to money damages, the Claims Court correctly held that it lacked jurisdiction under the Tucker Act. In any event, petitioners were not prejudiced by the label that the Claims Court attached to its judgment of dismissal, since the court based that judgment on a thorough examination of the substantive basis for their claims.

APPENDIX

IN THE UNITED STATES CLAIMS COURT

No. 205-89L

(Filed: August 10, 1990)

CARLTON G. ABEL, ET AL., PLAINTIFFS

v.

THE UNITED STATES, DEFENDANT

ORDER

In the Joint Preliminary Status Report, the parties stated that "the plaintiffs are allotted landowners on the Salt River Pima-Maricopa Indian Reservation" and agreed that the claims in *Grey, et al. v. United States*, No. 588-84L, are subsequently [*sic*] similar to the claims asserted in this action. An exhaustive review of the filings in this proceeding confirms that plaintiffs in this case are so similarly situated as those plaintiffs in *Grey* that *Abel, et al. v. United States*, No. 209-89L, is governed by the court's prior disposition of *Grey, et al. v. United States*, No. 588-84L. A copy of the court's opinion in *Grey* is attached hereto and incorporated as part of this order. Accordingly, the Clerk of the court is directed to enter judgment dismissing the complaint. No costs.

IT IS SO ORDERED.

/s/ M. R. Tidwell
MOODY R. TIDWELL
Judge